



City of Seattle

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**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Numbers:** 3013237

**Applicant Name:** Greg Schiffler for Seattle Parks and Recreation Department

**Addresses of Proposal:** 1660 Harbor Ave SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow the expansion of an existing restaurant within existing building envelope. Project includes interior alterations and replacement of patio railing. No proposed changes to existing parking or 2,109 square foot patio.

The following approval is required:

**Shoreline Conditional Use** to allow an eating and drinking establishment associated with a public park in the CM Shoreline Environment. (Seattle Municipal Code 23.60.426).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity Description**

The location of the proposal is within a City of Seattle Park at 1660 Harbor Avenue SW in West Seattle. Seacrest Park includes parking, fishing pier, retail, a snack bar, boat rentals and general park use at the water's edge. The King County Water Taxi service to downtown Seattle operates from the dock at the Park.

Uses in the vicinity include restaurants, offices and retail. There are no water-dependent industrial or manufacturing uses in the immediate vicinity.

### Proposal Description

The Seattle Department of Parks and Recreation proposes to remodel the interior of existing building at Seacrest Park for use as restaurant, including upgrades to commercial kitchen and bar area. Railings in outdoor patio area will be replaced.

### Public Comments

One public comment was received during the official comment period for this project ended on May 4, 2012.

### **ANALYSIS - -COMPLIANCE WITH UNDERLYING ZONING**

#### Neighborhood Commercial Two Zoning

The property is located within a Neighborhood Commercial Two Zone with a structure height limit of sixty-five feet (NC2-65). The restaurant will be located in an existing park (Seacrest Park). Parks and Open Space uses, and their accessory uses, are permitted outright in NC2-65' zones. The project is consistent with the development standards of the NC2-65 zone, but requires a shoreline conditional use approval.

### **ANALYSIS - SHORELINE CONDITIONAL USE**

The proposal is located within the Conservancy Management (CM) Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). The Shoreline Master Program, Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

The proposed project received a shoreline exemption approval (project no. 6310226) for maintenance and repair and interior remodeling, so a shoreline substantial development permit is not required pursuant to SMC 23.60.020.

However, the establishment of a restaurant associated with a public park in the CM Shoreline Environment may only be authorized by a shoreline conditional use pursuant to SMC 23.60.426 C. Therefore, the proposal is evaluated in light of the shoreline conditional use criteria in WAC 173-27-160 and the provisions of SMC 23.60.426 C. The overall purpose of a conditional use permit is to provide for flexibility in the application of use regulations consistent with the policies of the Shoreline Management Act (RCW 90.58.020).

SMC 23.60.426C1d states that eating and drinking establishments may be permitted as a conditional use if the criteria in WAC 173-27-160 are satisfied (see below) and criteria in subsection C2 are met, which are analyzed here:

- a. *The use is associated with a public park,*

The proposed use is located in the City of Seattle's Seacrest Park.

- b. *The use is located on a lot that does not exceed two thousand four hundred (2,400) square feet in area, and*

The lot size of Seacrest Park is well in excess of 2400 square feet. The currently permitted non-water-dependent commercial uses associated with a public park at this location are “general sales and services,” “eating and drinking establishment,” in the form of a snack bar inside the building and “Sale and rental of small boats, boat parts and accessories”, pursuant to permit no. 640136 in 1988.

The existing uses are non-conforming to this lot size development standard. The proposed expansion of the eating and drinking establishment use at this building will not impact this standard as the lot size will not change. The proposed project is consistent with SMC 23.60.122 B, which states that a structure or development containing a nonconforming use or uses may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended beyond its existing external dimensions. The proposed project will not expand the footprint of the existing building.

*c. All personal and household goods sold or rented are for use on the lot or immediate adjacent waters.*

The boat rental operation at this location for use of boats in this area will not change as part of this project.

#### **SMC 23.60.034 Criteria for Shoreline Conditional Use Approvals**

Uses or developments which are identified in this chapter as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be approved, approved with conditions or denied by the Director in specific cases based on the criteria in WAC 173-27-160, as now constituted or hereafter amended, and any additional criteria given in this chapter. Upon transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be approved, approved with conditions or denied by DOE. (Ord. 118793 Section 6, 1997; Ord. 113466 Section 2(part), 1987)

#### **WAC 173-27-160 Review Criteria for Conditional Use Permits**

The purpose of a conditional use permit is to provide a system within the master program that allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

*(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;*

The eating and drinking establishment use is consistent with the policies of RCW 90.58.020 and the Seattle Shoreline Master Program. Those policies favor enhancement of the shoreline environment, fostering of water-dependent uses and shoreline public access and recreation, and protecting views of the water. The proposal would not change overwater coverage or impervious surface or alter any vegetation at this site as the restaurant would utilize an existing building,

therefore the proposal would not involve any further encroachment or impact to the nearshore environment at this location. The proposal would facilitate public access and shoreline recreation in the overall context of a recreational use. Views of the water would not be affected as the building footprint would not change. The proposal was reviewed during the conditional use analysis and found to be consistent with applicable shoreline development standards.

*(b) That the proposed use will not interfere with the normal public use of public shorelines;*

The interior renovations of this existing building for the restaurant use will not interfere with normal public use of the shorelines. The outdoor patio area will remain open to use by the public.

*(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;*

The proposed restaurant use is compatible with the park use at this location, including users of the King County water taxi service, users of the nearby fishing pier and users of the existing boat rental service, which will continue at this location.

*(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and*

The proposed restaurant use will be established at this site without any further overwater or exterior development and, instead, will efficiently utilize the existing building at this location eliminating impacts to the aquatic environment that would potentially be caused by additional development, increases in impervious surface or changes to existing vegetation or changes to the shoreline area or bulkhead. Appropriate Best Management Practices will be followed to protect the nearshore environment during construction, as conditioned below.

*(e) That the public interest suffers no substantial detrimental effect.*

The public interest would suffer no substantial detrimental effect from the restaurant use at this site.

*(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.*

In reviewing the proposal and development in the area, including an analysis of adjacent and nearby properties supplied by the applicant, it appears that few if any similar situations exist in the CM Environment. According to an analysis supplied by Seattle Parks Department, the Don Armeni Boat Ramp is the only other developed park site with ½ mile of Seacrest Park. No year-round or building-based food concessions on Parks land are operated or expected in the vicinity of Seacrest Park, primarily due to the fact that unique conditions exist at Seacrest Park due to the King County Water Taxi service operating out of the Park and thus generating the volume of regular pedestrian traffic to warrant the expansion of an eating and drinking establishment in a year-round building, such as the proposed restaurant in this project.

Granting of the conditional use permit should not produce a substantial adverse effect to the shoreline environment, nor should it lead to substantial cumulative impacts.

*(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.*

The master program allows eating and drinking establishments associated with a public park in the CM Shoreline Environment as a conditional use if the criteria in WAC 173-27-160 are satisfied (see above).

*(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.*

The master program does not prohibit the proposed use as explained above.

### **DECISION – SHORELINE CONDITIONAL USE**

The Shoreline Conditional Use application for expansion of an eating and drinking establishment associated with a public park in the CM Environment is **CONDITIONALLY APPROVED.**

### **CONDITIONS – SHORELINE CONDITIONAL USE**

#### **Prior to Building Permit Issuance**

1. Best Management Practices for the protection of the nearshore environment during construction will be shown on building permit plans.

#### **For the Life of the Project**

2. The outdoor dining area shown on plan sets shall remain open to public use.

Signature: (signature on file) Date: May 24, 2012  
Ben Perkowski, Senior Land Use Planner  
Department of Planning and Development